REMARKS

Amendment of claims

Original claims 1-5 are canceled herein. The original claims were written in the format of an International Application, e.g. including terms, such as "characterized in that", inappropriate for U.S. practice. New claims 6-11 present the same subject matter in language consistent with typical U.S. National Stage practice.

Response to Restriction Requirement

The Office Action of October 3, 2003 presents a Restriction Requirement. The Examiner has required election among the following groups of claims:

Group I: claims 1-2, directed to a method for producing an antiserum; and

Group II: claims 3-4, directed to a method of use of the antiserum of group I for diagnosis of tumors.

Applicants note that claim 5, also directed to a method of diagnosis of malignancy, is not included in the grouping of the claims. Applicants assume for this response that claim 5 was intended to be included in Group II.

Applicants hereby elect the claims of Group I, claims 1-2 (now claims 6-8) for prosecution in the present application. This election is made with traverse.

The Examiner indicates that the two groups of claims represent separate inventions because they are directed to different ends and include different process steps. Furthermore, the Examiner takes a position that the Muraro and Beloglazova references establish that the special technical feature joining the groups of claims is not itself patentable and therefore does not serve to establish unity of invention.

The Examiner asserts that the Muraro reference discloses a method for making an antibody to carcinoembryonic antigen, which is taken to be a "universal tumor antigen". Beloglazova is then cited as describing a method for diagnosing malignancy by a "T-G" test.

To the contrary, the instant invention is not at all described by the Muraro reference. Muraro make use of a monoclonal antibody directed to carcinoembryonic antigen. CEA is also not a universal marker for tumor cells.

On the other hand, the present invention makes use of a polyclonal antiserum that is obtained by a particular process as described in the instant claim 1. The resulting antiserum is a reagent for universal tumor diagnosis. As such, the reagent utilized in the method of the present claims 9-11 is completely different from that described by Muraro.

Beloglazova describes an erythrocyte sedimentation test using a polyclonal anti-idiotypic antiserum for diagnosis of

gynecologic tumors. A complete translation of the Beloglazova reference is provided for the convenience of the Examiner.

Beloglazova is not enabling of the present invention. In particular, Beloglazova et al. provide no disclosure of how to obtain the antiserum used in their experiments.

The combination of Muraro with Beloglazova fails to establish a lack of a patentable common technical feature between claims 1-2 and claims 3-[5]. The combination of the references fails to disclose or suggest the antiserum obtained by the method of claims 1-2.

Accordingly, rejoinder of claims 3-5 (now claims 9-11) to the application for examination is appropriate. Furthermore, claims 9-11 are directed to a method of use of the composition of claims 6-8. Therefore, if claims 6-8 are deemed allowable, the method of use claims 9-11 should be rejoined. MPEP 821.04.

The present application well-describes and claims patentable subject matter. The favorable action of allowance of the pending claims and passage of the application to issue is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell (Reg. No. 36,623) at the telephone number of the undersigned below, to

conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a five (5) month extension of time for filing a response in connection with the present application. The required fee of $1,005.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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